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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Federal Trade Commission,

10 Plaintiff,

11 v.

12 Tate's Auto Center of Winslow
13 Incorporation, et al.,

14 Defendants.

No. CV-18-08176-PCT-DJH

ORDER

15 Pending before the Court are three Motions to Seal, all of which pertain to the
16 Motion for Summary Judgment filed by Plaintiff Federal Trade Commission (the "FTC").
17 The FTC moves to seal its Motion for Summary Judgment (Doc. 123); Defendants move
18 to seal their Response (Doc. 142); and the FTC moves to seal its Reply (Doc. 145)
19 (collectively, the "Motions"). No party has filed a response, either in support or opposition,
20 to these Motions.

21 The Motions come pursuant to the Court's Protective Order, which states that
22 material the parties label confidential "shall only be filed with a motion to seal the material
23 pursuant to LRCiv 5.6." (Doc. 27 at 4). Local Rule 5.6 states that "[a]ny motion or
24 stipulation to file a document under seal must set forth a clear statement of the facts and
25 legal authority justifying the filing of the document under seal and must append (as a
26 separate attachment) a proposed order granting the motion." LRCiv 5.6(b).

27 The Ninth Circuit strongly presumes that court documents should be publicly
28 available, unless there is a compelling reason to seal them. *Kamakana v. City & Cty. of*

1 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). “In general, ‘compelling reasons’
 2 sufficient to outweigh the public’s interest in disclosure and justify sealing court records
 3 exist when such ‘court files might have become a vehicle for improper purposes,’ such as
 4 the use of records to gratify private spite, promote public scandal, circulate libelous
 5 statements, or release trade secrets.” *Id.* (quoting *Nixon v. Warner Commc’ns, Inc.*, 435
 6 U.S. 589, 598 (1978)). “The mere fact that the production of records may lead to a litigant’s
 7 embarrassment, incrimination, or exposure to further litigation will not, without more,
 8 compel the court to seal its records.” *Id.*


9 Here, the parties provide few, if any, reasons why their briefing should be sealed,
 10 none of which are compelling. To begin, the FTC represents that it “has no personal
 11 knowledge of the competitive disadvantage or other harm that might result from public
 12 disclosure of the foregoing documents.” (Doc. 123 at 3). Next, Defendants would like to
 13 seal documents containing “nonparty and financial information that have been designated
 14 ‘Confidential’” as well as a “Customer Educational video file.” (Doc. 142 at 2). But there
 15 is no additional or document-specific explanation as to why that information should be
 16 sealed. While a party may wish to keep a document confidential, that wish alone does not
 17 constitute a compelling reason to seal it from the public’s view.

18 Accordingly,

19 **IT IS HEREBY ORDERED** that the parties’ Motions to Seal (Docs. 123; 142;
 20 145) are **denied**, without prejudice.

21 **IT IS FURTHER ORDERED** that the parties shall file unredacted versions of the
 22 documents filed or lodged at Docs. 132, 143, & 146, within fourteen (14) days of this
 23 Order.

24 Dated this 11th day of January, 2021.

25 
 26 Honorable Diane J. Humetewa
 27 United States District Judge
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